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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,967	09/14/2000	Ying Fera	PD-200108	9890

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/661,967

Applicant(s)

FERIA ET AL.

Examiner

Nghi H. Ly

Art Unit

2686

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-24.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


**CHARLES APPIAH
PRIMARY EXAMINER**

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/14/05 have been fully considered but they are not persuasive.

On page 3 of applicant's remarks, applicant argues that no teaching or suggestion is provided for subtracting signals as in the present invention.

In response, Dalal indeed teaches applicant's claimed limitation (see fig.6 and column 15, lines 35-50, see "subtracted"), and the combination Ibanez-Meier and Dalal does indeed teach applicant's claimed invention. In addition, applicant's attention is directed to the rejection of claim 1 in the previous Office action dated 09/19/05.

On pages 3 and 4 of applicant's remarks, applicant further argues that does not teach a gateway station that is in communication with a stratosphere platform and the gateway station receives a first signal having a first beam having interference from the second beam therein and receiving a second signal having the second beam having interference from the first beam therein wherein the gateway station has a first subtracting block and a second subtracting block for subtracting the second signal from the first signal and the first signal from the second signal.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Ibanez-Meier teaches a gateway station that is in communication

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with a stratosphere platform (Ibanez-Meier, fig.1, destination device 130-132, and column 4, line 64, communication gateways), the gateway station receiving a first signal having the first beam having interference from the second beam therein and receiving a second signal having the second beam having interference from the first beam therein (see Ibanez-Meier, column 16, lines 53-55), Dalal teaches receiving a second signal having the second beam (column 14, lines 20-25, see "canceller 800" and see fig.8, box 856a and the output from 864a reads on applicant's "a second signal having the second beam") having interference (Abstract, see "interference") from the first beam therein wherein the gateway station has a first subtracting block (column 14, lines 20-25, see "canceller 800" and see fig.8, box 856b and the output from 864b reads on applicant's "a first signal having the first beam" and see fig.6 and column 15, lines 35-50, see "subtracted") and a second subtracting block for subtracting the second signal from the first signal and the first signal from the second signal (Abstract, see "interference cancellation", column 14, lines 20-25, see "canceller 800" and see fig.8, box 856b. For more details, see Applicant's subtracting blocks 74 and 76), *and* the combination of Ibanez-Meier and Dalal does indeed teach applicant's claimed limitation. In addition, applicant's attention is directed to the rejection of claim 1 in the previous Office action dated 09/19/05.

On pages 4 and 5 of applicant's remarks, applicant further argues that Dalal does not teach "a receiver" and "receiver interference cancellation".

The examiner, however, disagrees. Dalal does in deed teach a receiver (see fig.7, antennas 702a or 702b and see fig.8, input a-1 or a-2 reads on applicant's "a

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receiver". In addition, applicant already admitted that "a receiver" is not recited in claim 1 (see applicant's remarks page 4, lines 12-13).

On page 5 of applicant's remarks, applicant further argues that Ibanez-Meier and Dalal does not teach receiving a first signal having a first beam having interference from a second beam therein at a gateway station receiving a second signal having a second beam having interference from the first beam subtracting the second signal from the first signal to obtain the first beam and subtracting the first signal from the second signal to obtain the second beam.

In response, Dalal does indeed teach receiving a first signal having a first beam (column 14, lines 20-25, see "canceller 800" and see fig.8, box 856b and the output from 864b reads on applicant's "a first signal having the first beam" and see fig.6 and column 15, lines 35-50, see "subtracted") having interference (Abstract, see "interference") from a second beam therein at a gateway station receiving a second signal having a second beam having interference from the first beam subtracting (see fig.6 and column 15, lines 35-50, see "subtracted") the second signal from the first signal to obtain the first beam and subtracting the first signal from the second signal to obtain the second beam (column 14, lines 20-25, see "canceller 800" and see fig.8, box 856a and the output from 864a reads on applicant's "a second signal having the second beam") having interference (Abstract, see "interference"). Therefore, the combination of Ibanez-Meier and Dalal indeed teach applicant's claim 14.

On page 6 of applicant's remarks, applicant further argues that Rouffet does not teach subtracting using the receiving signal.

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In this case, Dalal teaches subtracting using the receiving signal (see fig.7, antennas 702a and 702b are receivers, and see fig.8, input a-1 or a-2 reads on applicant's "a receiving signal") and the combination of Ibanez-Meier, Dalal and Rouffet indeed teaches applicant's claims 5-7.

On page 6 of applicant's remarks, applicant further argues that Baier does not teach subtracting blocks of a receiving signal.

In this case, Dalal teaches subtracting blocks of a receiving signal (see fig.7, antennas 702a and 702b are receivers, and see fig.8, input a-1 or a-2 reads on applicant's "a receiving signal") and the combination of Ibanez-Meier, Dalal and Baier indeed teaches applicant's claims 2-4, 15-17 and 21-24.

For the above reasons, the examiner believes that the rejections to claims are proper.

Conclusion


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly


10/31/05